

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR 10-63-GF-BMM

Plaintiff,

**ORDER**

vs.

RICHARD SILVERWHIP ST.  
MARKS,

Defendant.

This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered his findings and recommendations on November 25, 2014. Defendant admitted he had violated Standard Condition 2 of his supervised release by failing to submit monthly reports to his probation officer as directed, violated Standard Condition 6 by failing to notify his probation officer of a change in employment, violated Standard Condition 7 by using controlled substances, and violated Special Condition 1 by failing to report for urinalysis testing and by attempting to provide a third party's urine for testing. Judge Strong found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 5 months, with 31 months

of supervised release to follow.

No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

The Court agrees with Judge Strong's findings. Defendant admitted that he violated Standard Conditions 2, 6 and 7, and Special Condition 1. Defendant could be incarcerated for up to 24 months, followed by 36 months of supervised release, less any custodial time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 5 to 10 months. A sentence of 5 months in custody is appropriate because Defendant violated numerous conditions of his supervised release. A lengthy period of supervised release will provide Defendant the support and structure needed to address his drug abuse problem.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 111) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 10th day of December, 2014.



Brian Morris  
United States District Court Judge